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HIGH COMMISSIONER'S PROGRAMME

Forty-ninth session

REPORT OF THE FORTY-NINTH SESSION OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

(Geneva, 5 - 9 October 1998)

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I. INTRODUCTION

A. Opening of the Session

1. The Ex cutive Committee of the High Commissioner's Programme held its forty-ninth session at the Palais des Nations in Geneva from 5 to 9 October 1998. It was opened by the outgoing Chairman, His Excellency Mr. Björn Skogmo (Norway).

2. Ambassador Skogmo congratulated the High Commissioner on her re-election by the General Assembly, commending her on her outstanding leadership of the Office.

3. Ambassador Skogmo noted that instability in certain regions of the world posed new challenges for humanitarian action, particularly in the contemporary context of funding problems and programme cutbacks. He called on States to respect the obligations they have undertaken under international refugee and humanitarian law, as well as under human rights instruments, and emphasized UNHCR's core mandate of protection.

4. In commenting on the pressures facing UNHCR, the outgoing Chairman highlighted the fact that a large number of persons, some 22 million, remain of concern to the Office. The impact of these persons on hosting countries, as well as on the countries of origin when repatriation and reintegration activities are undertaken, he remarked, requires a response from the international humanitarian community in the spirit of solidarity and burden-sharing. In addition, he noted the need for a balance between the accountability and transparency required by donor Governments and the operational flexibility/effectiveness necessary in the many difficult and insecure situations where UNHCR pursues it's mandate.

5. The spirit of consensus which had characterized Executive Committee and Standing Committee discussions, as well as informal consultations, during the year was underlined and commended by the Ambassador. He was encouraged by the participation by other United Nations agencies, other humanitarian agencies and representatives of the Bretton Woods institutions in meetings of the Standing Committee and consultations during 1998. He also expressed satisfaction with the enhanced participation of non-governmental organizations as Observers in meetings of the Standing Committee over the past year.

6. Ambassador Skogmo concluded by emphasizing the need to continue efforts to ensure the safety of refugees and displaced persons, as well as those who are mandated to protect them. He also called on States to give more predictable financial support to UNHCR than at present.

B. Election of Officers

7. Under Rule 10 of Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman:	Ambassador Victor Rodríguez Cedeño (Venezuela)
Vice-Chairman:	Ambassador Raimundo Pérez-Hernández y Torra (Spain)
Rapporteur:	Mr. Liu Xinsheng (China)

C. Representation on the Committee

8. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Democratic Republic of the Congo, Denmark, Ethiopia, Finland, France, Germany, Greece, Holy See, Hungary, India, Iran (Islamic Rep. of), Ireland, Israel, Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Russian Federation, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela.

9. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Armenia, Azerbaijan, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Georgia, Ghana, Guatemala, Guinea, Honduras, Iceland, Indonesia, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mexico, Monaco, Mozambique, Myanmar, Nepal, New Zealand, Panama, Peru, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Swaziland, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, Uruguay, Yemen, Zambia, Zimbabwe.

10. Palestine was represented as an observer.

11. The European Commission, the Council of the European Union, the International Committee of the Red Cross, the Federation of Red Cross and Red Crescent Societies and the Sovereign Order of Malta were also represented as observers.

12. The United Nations system was represented as follows:

United Nations Office at Geneva (UNOG), Office of the United Nations High Commissioner for Human Rights (OHCHR), Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Volunteers (UNV), United Nations Environment Programme (UNEP), United Nations Population Fund (UNFPA), World Food Programme (WFP), United Nations Centre for Human Settlements (Habitat), United Nations Institute for Training and Research (UNITAR), International Labour Office (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), United Nations Industrial Development Organization (UNIDO).

13. The following intergovernmental organizations were represented by observers:

League of Arab States, Organization of African Unity (OAU), Organization of the Islamic Conference (OIC), Council of Europe, International Organization for Migration (IOM).

14. A total of 90 non-governmental organizations were represented by observers.

D. Adoption of the Agenda and other Organizational Matters

15. The Executive Committee adopted by consensus the following agenda (A/AC.96/908):

1. Opening of the session

2. Election of officers

3. Adoption of the agenda and other organizational matters

4. Annual theme: International Solidarity and Burden-Sharing in all its Aspects: National, Regional and International Responsibilities for Refugees

5. Reports on the work of the Standing Committee

   (a) International protection

   (b) Programme, administrative and financial matters

6. Consideration and adoption of programme budgets

7. Reports relating to programme oversight

8. Meetings of the Standing Committee in 1999

9. Consideration of the provisional agenda of the fiftieth session of the Executive Committee

10. Any other business

11. Adoption of the report of the forty-ninth session of the Executive Committee

12. Closure of the session

E. Opening Statement by the Chairman of the Executive Committee

16. The incoming Chairman, His Excellency Mr. Victor Rodríguez Cedeño, paid tribute to the High Commissioner and her staff for their untiring dedication to the cause of refugees, despite the enormous difficulties and risks that it entails.

17. The massive displacement of people within territories or beyond borders was highlighted by Ambassador Rodríguez as one of the most sensitive subjects of contemporary international affairs. He stressed that the protection of refugees, in particular women, children and adolescents, as well as older refugees, the provision of assistance to them and the search for durable

solutions to their situation was not only the responsibility of the countries directly involved, but of the whole international community.

18. The role of UNHCR in responding to the problems posed by the massive displacement of people was characterized by the Chairman as praiseworthy and fundamental. He urged the international community to give priority and financial support to the Office so as to enable it to continue to carry out it's mandate effectively.

19. Ambassador Rodríguez expressed hope that the Executive Committee, through its conclusions and decisions, would continue to contribute to the creation of norms and principles that will lead to greater efficacy in addressing the problem of displacement around the world. In concluding, the Chairman emphasized the importance of the debate on the broad and multifaceted annual theme of the forty-ninth session of the Executive Committee, which, he commented, accurately reflected the complex agenda before the Committee.

II. WORK OF THE FORTY-NINTH SESSION

20. The High Commissioner delivered an opening statement to the Executive Committee, which is reproduced in Annex II. The Chairman's Summary of agenda item 4 is contained in Annex III. The full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the agenda items of the meeting, as well as the closing statements by the Chairman and the High Commissioner, are contained in the summary records of the session.

III. DECISIONS AND CONCLUSIONS OF THE EXECUTIVE COMMITTEE

A. Conclusion and Decision on International Protection

1. Conclusion on International Protection

21. The Executive Committee,

The protection situation

(a) Welcomes that many States continue to grant asylum to refugees, both on an individual basis and in situations of mass influx, in accordance with international law and with internationally established principles and standards, but deplores the numerous and serious breaches of such law, principles and standards by some States;

(b) Deplores, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

(c) Expresses deep concern about the increasing use of war and violence as a means to carry out persecutory policies against groups targeted on account of their race, religion, nationality, membership of a particular social group, or political opinion;

(d) Reiterates that refugee protection is primarily the responsibility of States and that it is best achieved through effective cooperation between all States and UNHCR, as well as other international organizations and pertinent actors, in a spirit of international solidarity and burden-sharing;

(e) Encourages UNHCR and States to strengthen their efforts to promote broader accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to cooperate to promote a universal and full implementation of these instruments;

Human rights and refugee protection

(f) Notes that the 50th anniversary of the Universal Declaration of Human Rights is being commemorated this year and reaffirms that the institution of asylum, which derives directly from the right to seek and enjoy asylum from persecution set out in Article 14 of the Declaration, is among the most basic mechanisms for the protection of refugees;

(g) Recognizes that the refugee experience, in all its stages, is closely linked to the degree of respect by States for human rights and fundamental freedoms and the related refugee protection principles, and reaffirms the importance in this regard of educational and other programmes to combat racism, discrimination and xenophobia, to promote tolerance and respect for all persons and their human rights, to advance the rule of law and legal and judicial capacity-building, and to strengthen civil society and sustainable development;

(h) Deplores that serious and repeated violations of human rights and fundamental freedoms, which are one of the principal reasons for refugee flows, continue both in peace and in times of armed conflict;

(i) Encourages UNHCR to strengthen further its collaboration with the Office of the High Commissioner for Human Rights and with relevant human rights bodies and mechanisms, as well as with non-governmental organizations, with a view to strengthening refugee protection, keeping in mind the need to improve coordination, promote complementarity, avoid duplication of efforts and to preserve the distinct character of the respective mandates;

(j) Deplores gender-related violence and all forms of discrimination on grounds of sex directed against refugee and displaced women and girls, and calls on States to ensure that their human rights and physical and psychological integrity are protected, and that they are made aware of these rights;

(k) Remains deeply concerned also about continuing violations of the rights of refugee children, including through abduction with a view to forcing participation in military activities, as well as through acts of violence, threats to their dignity, forced family separation, and sexual abuse and exploitation, and calls on States and relevant parties to take all necessary measures to end these violations, in compliance with principles and standards of refugee law, human rights law and humanitarian law;

(l) Notes that 1999 has been declared the International Year of Older Persons, and calls upon UNHCR to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

(m) Reaffirms the importance of the right to a nationality and calls on States to adopt all necessary measures to prevent or reduce the incidence of statelessness, including through national legislation and, as appropriate, accession to and implementation of the Statelessness Conventions; draws particular and urgent attention in this regard to the situation of children of refugees and asylum-seekers born in asylum countries who could be stateless unless appropriate legislation and registration procedures are in place and are followed;

The right to seek and enjoy asylum

(n) Underlines the utmost significance to refugee protection of the institution of asylum, which serves the purpose of providing a structured framework for protection and assistance to persons in need of international protection, while ensuring that appropriate durable solutions can be achieved;

(o) Reiterates its commitment to uphold the principles of international solidarity and burden-sharing, reaffirms the need for resources to be mobilized to assist countries receiving refugees, particularly developing countries who host the large majority of the world's refugees and bear a heavy burden in this regard, and calls upon Governments, UNHCR and the international community to continue to respond to the asylum and assistance needs of refugees until durable solutions are found;

(p) Recognizes that international solidarity and burden-sharing are of direct importance to the satisfactory implementation of refugee protection principles; stresses, however, in this regard, that access to asylum and the meeting by States of their protection obligations should not be dependent on burden-sharing arrangements first being in place, particularly because respect for fundamental human rights and humanitarian principles is an obligation for all members of the international community;

(q) Strongly deplores the continuing incidence and often tragic humanitarian consequences of *refoulement* in all its forms, including through summary removals, occasionally *en masse*, and reiterates in this regard the need to admit refugees to the territory of States, which includes no rejection at frontiers without access to fair and effective procedures for determining their status and protection needs;

(r) Strongly urges States to devise and implement procedures for handling refugee claims which are consistent with protection principles provided for in applicable universal refugee instruments and in regional refugee instruments, consistent with international standards, as well as with the standards recommended by the Executive Committee;

(s) Notes with concern reports from countries that there is an increasing trend towards the misuse or abuse of national refugee status

determination procedures; acknowledges the need for States to address this problem both at the national level and through international cooperation; urges, however, States to ensure that national law and administrative practices, including migration control measures, are compatible with the principles and standards of applicable refugee and human rights law, as set out in relevant international instruments;

(t) Emphasizes the duty of asylum-seekers and refugees to comply with the laws and regulations of the country in which they find themselves;

Family unity

(u) Recalls that Articles 16(3) of the Universal Declaration of Human Rights and 23(1) of the International Covenant on Civil and Political Rights proclaim that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State;

(v) Recommends that Governments take appropriate measures to ensure that the unity of the family is maintained, particularly in cases where the head of the family has been admitted as a refugee to a particular country;

(w) Exhorts States, in accordance with the relevant principles and standards, to implement measures to facilitate family reunification of refugees on their territory, especially through the consideration of all related requests in a positive and humanitarian spirit, and without undue delay;

(x) Encourages States, which have not already done so, to consider developing the legal framework to give effect at the national level to a right to family unity for all refugees, taking into account the human rights of the refugees and their families;

Composite flows and facilitation of return

(y) Emphasizes that outflows of people may include refugees and persons not in need of or not entitled to international protection and, therefore, notes that making a proper and careful differentiation between the two groups is of paramount importance for the identification of any protection needs which would make return inappropriate;

(z) Reaffirms the fundamental right of all people to leave and to return to their own countries, as well as the obligation of States to receive back their own nationals, and remains seriously concerned, as regards the return of persons not in need of international protection, that some countries continue to restrict the return of their nationals, either outright or through laws and practices which effectively block expeditious return;

(aa) Stresses that, as regards the return to a third country of an asylum-seeker whose claim has yet to be determined from the territory of the country where the claim has been submitted, including pursuant to bilateral or multilateral readmission agreements, it should be established that the third country will treat the asylum-seeker (asylum-seekers) in accordance with accepted international standards, will ensure effective protection against *refoulement*, and will provide the

asylum-seeker (asylum-seekers) with the possibility to seek and enjoy asylum;

(bb) Deeply deplores the use of those practices for the return of asylum-seekers and persons not in need of international protection which seriously endanger their physical safety and reiterates in this regard that, irrespective of the status of the persons concerned, returns should be undertaken in a humane manner and in full respect for their human rights and dignity and without resort to excessive force;

Detention of asylum-seekers

(cc) Recalls Article 31 of the 1951 Convention relating to the Status of Refugees and reaffirms Conclusion No. 44. (XXXVII) on the detention of refugees and asylum-seekers;

(dd) Deplores that many countries continue routinely to detain asylum-seekers (including minors) on an arbitrary basis, for unduly prolonged periods, and without giving them adequate access to UNHCR and to fair procedures for timely review of their detention status; notes that such detention practices are inconsistent with established human rights standards and urges States to explore more actively all feasible alternatives to detention;

(ee) Notes with concern that asylum-seekers detained only because of their illegal entry or presence are often held together with persons detained as common criminals, and reiterates that this is undesirable and must be avoided whenever possible, and that asylum-seekers shall not be located in areas where their physical safety is in danger;

Durable solutions

(ff) Urges States, particularly countries of origin of refugees, resolutely to cooperate at the bilateral, regional and universal levels to address the underlying causes of refugee flows, both in a preventive and curative manner, and to facilitate just and lasting solutions;

(gg) Recalls Conclusion No.62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;

(hh) Calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

(ii) Emphasizes the importance of reconciliation for facilitating and ensuring the durability of return, and calls upon States and all other actors, including the refugees themselves, to cooperate willingly and generously in all initiatives undertaken to bring lasting peace and justice to reintegrating communities;

(jj) Reaffirms the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

2. Decision on Informal Consultations on Protection Issues

22. The Executive Committee,

Affirms that the informal consultations on measures to ensure international protection for all who need it have proved to be a valuable forum for constructive discussion of complex protection issues in an open manner; and requests UNHCR, in consultation with States, to continue to organize from time to time, within the limits of available resources, and with broadly based participation, informal expert consultations on protection issues of current concern.

B. General Decision on Administrative, Financial and Programme Matters

23. The Executive Committee,

Administrative and financial matters

(a) Confirms that the activities proposed under General and Special Programmes as set out in document A/AC.96/900 have been found, on review, to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution 428 (V)), the High Commissioner's "Good Offices" functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees* (A/AC.96/503/Rev.6);

(b) Requests the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under 1999 General and Special Programmes which are tentatively estimated at $ 842.2 million, and to any other new needs that might arise, bearing in mind the Statute of the Office and the relevant provisions of the Financial Rules for Voluntary Funds;

(c) Approves the revised 1998 General Programmes budget amounting to $ 428,973,500 as detailed in document A/AC.96/900 (Table II.5, column 3);

(d) Approves likewise the country/area programmes, Other Programmes and the Headquarters budgets under the 1999 General Programmes amounting to $ 334,600,000, as well as a Programme Reserve of $ 33,400,000 (representing 10 per cent of programmed activities), and $ 25,000,000 for the Emergency Fund, and $ 20,000,000 for the Voluntary Repatriation Fund, all of which are detailed in document A/AC.96/900 (Table II.5, column 4), and which constitute a 1999 total General Programmes budget

of $ 413,000,000; and authorizes the High Commissioner within this approved level, to effect adjustments in projects, country/area programmes, Other Programmes and the Headquarters budgets, as may be required by changes affecting the refugee/returnee programmes for which they were planned;

(e) Notes the *Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 1997* (A/AC.96/901), the *Report of the ACABQ on UNHCR Activities financed from Voluntary Funds: Report for 1997-1998 and proposed budget for 1999* (A/AC.96/900/Add.3), the *Report of the High Commissioner on the work of the Inspection and Evaluation Activities* (A/AC.96/902), and requests to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(f) Notes the Audit Opinion of the Board of Auditors on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 1997, and, in particular, its overall conclusion, that the transactions of the United Nations High Commissioner for Refugees which were tested as part of the audit, were in all significant respects in accordance with the Financial Regulations and Legislative Authority; and takes note also of the follow-up action proposed by the High Commissioner to the recommendations contained therein; and, having conducted a thorough review of these documents, reaffirms its support for the High Commissioner's ongoing efforts to ensure good management standards through, *inter alia*, a sustained and systematic follow-up to the observations and recommendations of the Board of Auditors, and the related Reports of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee, and relevant resolutions of the General Assembly;

(g) Requests UNHCR, in the light of discussions at the thirteenth meeting of the Standing Committee, to consult with the Board of Auditors on the implications of submitting biennial audit reports and its present method of recognizing income, and to keep the Standing Committee informed of the outcome of these consultations;

(h) Urges UNHCR to maintain its efforts to ensure that audit certificates are submitted by all implementing partners within the stipulated time-frame, and, where necessary, to assist, either directly or with the help of international non-governmental organizations, national non-governmental organizations to conform with this requirement;

(i) Notes the comments of the ACABQ (A/AC.96/900/Add.3, paragraphs 32-42) on UNHCR's proposed new budget structure, and requests UNHCR to convene further consultations with Member States on the issues raised by the ACABQ, including the question of a single operational reserve, with a view to preparing a prototype of a consolidated budget to be reviewed by the ACABQ in the first part of 1999;

(j) Notes that beginning with the budget for the year 2000, UNHCR will adopt new definitions of "Programme Support", "Management and Administration" and "Programme" as set out in document EC/48/SC/CRP.43, and which will be in harmony with those used by UNICEF, UNDP and UNFPA;

(k) Urges Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to her appeals for resources.

Programme matters

(l) Urges the High Commissioner to ensure a more sustained and comprehensive follow-up to the 1997 Evaluation of UNHCR's Efforts on Behalf of Children and Adolescents and to the Machel Study through the mainstreaming of initiatives in this regard and requests a progress report in the course of the fiftieth session of the Executive Committee;

(m) Welcomes the strategies proposed by UNHCR (EC/48/SC/CRP.39) for addressing the needs of older refugees and for capitalizing on their potential contribution to their communities, and the initiatives proposed to highlight the situation of older refugees in the course of the International Year of Older Persons, and requests that a report on these strategies and initiatives be presented in the course of the fiftieth session of the Executive Committee;

(n) Expresses appreciation for the work currently in progress in UNHCR in the field of repatriation and reintegration of refugees, as expressed in *UNHCR's Operational Framework for Repatriation and Reintegration Activities in Post-Conflict Situations*, and calls upon the High Commissioner to inform the fiftieth session of the Executive Committee of progress achieved in elaborating this Operational Framework, and particularly of progress achieved in engaging other humanitarian and development agencies, including non-governmental organizations, as well as international financial institutions, on this subject.

(o) Calls on Member States to ensure a coherent and complementary approach to reintegration and reconstruction in the Executive Boards of development organizations, taking into account the specific need to consolidate the reintegration of returning displaced persons.

C. Conclusion on the CIS Conference Follow-up

24. The Executive Committee,

Recalling the Programme of Action adopted in May 1996 by the Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighboring countries and the conclusions of the Executive Committee at its forty-seventh and forty-eighth sessions;

(a) Reaffirms the importance and continuing validity of the CIS Conference Programme of Action and the follow-up process to promote its implementation and stresses the necessity to reinvigorate joint efforts in this regard;

(b) Welcomes the progress made in a number of the countries of the Commonwealth of Independent States in implementing the Programme of Action in both governmental and non-governmental sectors;

(c) Calls upon Governments in all countries of the Commonwealth of Independent States, who bear the primary responsibility for addressing the acute problems of population displacement that they face, to strengthen their commitment, both practical and political, to implementing the Programme of Action to ensure more consistent and far-reaching progress, especially in the fields of human rights and refugee protection, and the problems of formerly deported peoples;

(d) Welcomes the accession by Turkmenistan to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and invites the Commonwealth of Independent States to intensify their efforts to accede to relevant international instruments and to give legislative and administrative effect to them;

(e) Notes the importance of joint efforts to overcome the constraints in implementing the Programme of Action, by achieving, *inter alia*, a higher level of political support, durable political solutions to conflicts, further democratization and building of civil society, full implementation of legislation, adequate cooperation on a regional or bilateral level, deeper involvement of international financial institutions and development agencies, availability of financial resources;

(f) Notes with concern the serious security situation in a number of areas which have led to the loss of life and kidnapping of humanitarian personnel and which hamper the implementation of humanitarian programmes, and calls on all countries of the Commonwealth of Independent States to ensure the safety of humanitarian personnel;

(g) Notes that the serious challenges faced by the countries of the region cannot be met by the resources and experience of those countries alone;

(h) Welcomes the support rendered by other States to the process so far, including the reaffirmation of that support at the meeting of the Steering Group in June 1998, and calls on States to continue and intensify their cooperation and support in the spirit of international solidarity and burden-sharing to assist the countries of the Commonwealth of Independent States in implementing the Programme of Action;

(i) Appreciates the efforts made by the High Commissioner for Refugees, the International Organization for Migration and the Organization for Security and Cooperation in Europe to support implementation of the Programme of Action, ensure follow-up and to mobilize resources for this, and calls on them to strengthen their efforts and mutual cooperation;

(j) Urges the High Commissioner to continue to inform the public and further to enhance relationships with other key international actors, such as the Council of Europe, the European Commission and other human rights, development and financial institutions;

(k) Invites the High Commissioner to organize consultations with participants of the CIS Conference in order to make the follow-up process more active and dynamic;

(l) Welcomes the progress made in building civil society, particularly through the development of the non-governmental sector, the development of cooperation between non-governmental organizations (NGOs) and the Governments of a number of countries of the Commonwealtn of Independent States, notes in this regard the relation between the progress made in implementing the Programme of Action and the success in promoting civil society, especially in the field of human rights;

(m) Calls on Governments of the countries of the Commonwealth of Independent States to further facilitate the formation and work of NGOs and, along with international organizations, to further strengthen their cooperation with NGOs and increase their involvement in the CIS Conference follow-up process;

(n) Requests the High Commissioner to keep the Executive Committee informed of measures taken and of progress achieved in the implementation of the Programme of Action.

D. Decision on Programme of Work of the Standing Committee in 1999

25. The Executive Committee,

Having reviewed the issues before it at its forty-ninth session, including the annual theme on international solidarity and burden-sharing in all its aspects: national, regional and international responsibilities for refugees, and the *Report on the Work of the Standing Committee* (A/AC.96/910), and having in mind the decisions and conclusions of its forty-ninth session;

(a) Decides to adopt the following framework for the programme of work of its Standing Committee in 1999, and requests that UNHCR include in its documentation on each item the relevant audit and ACABQ recommendations as well as steps taken to implement those recommendations and related Executive Committee decisions and conclusions:

International Protection

- Note on International Protection

Protection/Programme Policy Issues

Programme and Funding Matters

- Region by region review of General and Special Programmes
- Updates on programmes and funding, including reviews of the use of the emergency fund, programme reserve and voluntary repatriation fund

Management, Financial and Human Resources Matters

Oversight Issues

Coordination Issues

Governance Issues

- Selection of annual theme for the fiftieth session

(b) Authorizes the Standing Committee to add and to delete items, as appropriate, to its inter-sessional programme of work;

(c) Decides to convene three meetings of the Standing Committee in 1999 to be held in February, June and prior to the fiftieth plenary session Executive Committee;

(d) Requests that Member States review, at a Planning Meeting scheduled for December 1998, proposals for inclusion in the work programme for 1999, bearing in mind the desirability of scheduling items over a biennial or longer period, with a view to submitting their agreed work programme to the first Standing Committee in 1999 for formal adoption;

(e) Calls on the Standing Committee to report on its work to the fiftieth session of the Executive Committee.

E. Decision on Observer Participation in 1998-1999

26. The Executive Committee,

(a) Approves applications by the following Government Observer delegations for participation in meetings of the Standing Committee from October 1998 to October 1999:

Chile, Croatia, Dominican Republic, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Guatemala, Kenya, Luxembourg, Myanmar, New Zealand, Peru, Portugal, Republic of Korea, Slovakia, Slovenia, Ukraine, Uruguay, Swaziland, Yemen, Zambia, Zimbabwe.

(b) Authorizes the Standing Committee to decide upon any additional applications from Government Observer delegations to participate in its meetings during the aforementioned period;

(c) Approves the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its subsidiary bodies from October 1998 to October 1999:

United Nations specialized agencies, departments, funds and programmes, European Commission, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, Organization of African Unity, Council of Europe, International Organization for Migration.

(d) Recalls the decision of the Standing Committee that non-governmental organizations registered at the forty-eighth plenary of the Executive Committee are invited to attend Standing Committee meetings in 1997/1998 as observers, upon written request from the individual non-governmental organizations (NGOs) concerned, and requests the Standing Committee, at its first meeting in 1999, to review these arrangements.

G. Decision on the Provisional Agenda of the Fiftieth Session

27. The Executive Committee,

(a) Decides to adopt the following provisional agenda for the fiftieth session of the Executive Committee:

1. Opening of the session
2. Election of officers
3. Adoption of the agenda and other organizational matters
4. Annual theme
5. Reports on the work of the Standing Committee as they relate to:
   (i) international protection and
   (ii) programme, administrative and financial matters
6. Consideration and adoption of programme budgets
7. Reports relating to programme oversight
8. Meetings of the Standing Committee in 2000
9. Consideration of the provisional agenda of the fifty-first session of the Executive Committee
10. Any other business
11. Adoption of the draft report of the fiftieth session of the Executive Committee
12. Closing of the session

H. Decision on Staff Security

28. The Executive Committee,

Conscious of the increasing insecurity under which humanitarian workers have to operate;

And concerned at the continued captivity of the Head of the UNHCR Office in the northern Caucasus, Mr. Vincent Cochetel;

(a) Calls on all those who may be in a position to facilitate his immediate release, to make every effort to this end.

DECISIONS ADOPTED BY THE STANDING COMMITTEE IN 1998

In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 1998 adopted a number of decisions on matters included in its programme of work. The texts of these decisions are annexed to the reports of the different Standing Committee meetings as follows:

A/AC.96/896: *Report of the Tenth Meeting of the Standing Committee (2-3 February 1998)*

- Decision on Programme and Funding Projections

A/AC.96/897: *Report of the Eleventh Meeting of the Standing Committee (28-29 April 1998)*

- Decision on Overhead Costs of International NGO Partners

A/AC.96/905: *Report of the Twelfth Meeting of the Standing Committee (23-25 June 1998)*

- Decision on Programme and Funding Projections
- Decision on Annual Theme of the Forty-ninth Session of the Executive Committee

Opening Statement by the United Nations High Commissioner for Refugees at the Forty-ninth Session of the Executive Committee of the High Commissioner's Programme

(Monday, 5 October 1997)

Mr Chairman, Excellencies, Distinguished Delegates, President Sommaruga, Ladies and Gentlemen,

Welcome to the 49th session of this Executive Committee. I would like to congratulate the new Bureau and particularly you, Ambassador Rodriguez Cedeño, on your election. Your country, Venezuela, represents a region which, after witnessing many refugee problems, saw the implementation of some of the most visionary and comprehensive solutions to displacement crises. I am deeply grateful to Ambassador Skogmo of Norway, the outgoing Chairman. His leadership, support and commitment throughout the past year have been truly exceptional. His exemplary contribution to the cause of refugees will not be forgotten.

Let me extend a warm welcome to Mr Cornelio Sommaruga, President of the International Committee of the Red Cross, who has kindly accepted my invitation to address the Committee today. It is a pleasure and an honour to share the podium with the leader of an organization whose purposes and ideals are so central to humanitarian work. While our mandates remain distinct, we share many challenges. In the field, our staff work side by side in alleviating the plight of those uprooted by violence. I have personally benefited many times from Mr. Sommaruga's forward-looking advice and support. There can be no more inspiring way to begin our discussions.

As you know, upon the recommendation of the Secretary-General, the General Assembly of the United Nations on 29 September re-elected me as High Commissioner for Refugees. Upon my request, this third mandate will end on 31 December of the year 2000, when I shall have been in office for ten years. In opening this session, I wish to therefore sincerely thank all governments, and Secretary-General Kofi Annan, for their trust and confidence. I also wish to thank all UNHCR staff , and in particular the Deputy and Assistant High Commissioners, for their dedication and hard work.

Be assured that I do not take your support for granted. On the contrary, more than ever I realize the challenge of accepting the responsibility to protect refugees today. Looking at the world around us, I see many, serious reasons for concern: continued or renewed conflict in many parts of Africa, the social and economic crisis in the Russian Federation, the slowing down of some key peace processes, and the financial turmoil in Asia, are just a few obvious examples. On the other hand, the role of the state is profoundly affected by the globalization of economics, technology and information. This has of course a bearing on international organizations, including the United Nations, and including the manner in which governments, and my Office, carry out their responsibilities towards refugees and other forcibly uprooted people.

Peace is more fragile, solutions more difficult

Grave human displacement crises have occurred since we last met. Their pattern, however, differs from the humanitarian catastrophes of the early 1990s: we now have scattered emergencies, smaller in size and with limited international visibility. UNHCR has had to reinforce its field presence many times, by deploying up to one hundred staff on emergency missions. Although previously an increased trend towards repatriation had given rise to the hope that refugee problems would be reduced, this year the overall figure of people of concern to UNHCR has only marginally decreased.

The main reason for this stagnation is undoubtedly the increase in the number and frequency of conflicts. This has two main consequences on our work: first, the prevalence in the use of military force over political negotiations slows down or even blocks solutions to refugee problems; second, if political settlements are reached, and displaced people can return voluntarily, they often return to a "fragile peace". Let me give you some examples.

In Afghanistan, internal fighting has continued, compounded by grave violations of human rights. Although this year more than 80,000 Afghan refugees have decided to return home from Pakistan in spite of the unstable situation, returns from Iran have been very low, and reintegration activities have virtually stopped. In Georgia, internal conflict broke out again in May, and 40,000 people fled the Gali area -- for most of them this was the second time to be displaced, and 1,500 houses, many recently rehabilitated with UNHCR funds, were looted and burnt. In Cambodia, sporadic violence has affected the peace process, which was interrupted by last year's conflict; as a result, 39,000 Cambodians remain in refugee camps in Thailand. It must be noted that Thailand also hosts approximately 100,000 refugees from Myanmar along the border between the two countries. The principles and modalities for an enhanced UNHCR presence in this area have now been defined. And let me mention that although not linked to an on-going conflict, the solution to the problem of almost 95,000 Bhutanese refugees in Nepal also remains elusive, although there are some indications of possible progress on this issue in the near future.

In Africa, the pattern of recent conflicts is even more complex. Some factors have directly contributed to blocking solutions to refugee problems: first, a trend towards increased violence against civilians, of which mutilations and killings by rebel forces in Sierra Leone have been the most horrifying example; second, a strong ethnic component in some conflicts, particularly in the Great Lakes region; and third, the regionalization of wars.

In West Africa, the crises in Sierra Leone and Guinea Bissau forced hundreds of thousands of people to flee their homes. While in Guinea Bissau problems are hopefully being resolved, almost half a million Sierra Leonean refugees have put an enormous additional burden on countries which have generously given asylum to refugees for years in spite of their limited resources. There are 350,000 refugees in Guinea alone. Liberia, a country emerging from years of war, hosts almost 90,000 Sierra Leonean refugees.

The other critical region in the continent has been Central Africa. With the renewed conflict in the Democratic Republic of the Congo, war and human displacement have become so complex in the region, and their ramifications so wide, that I hesitate to simply refer to a "Great Lakes" crisis. Between 1993 and 1996, displacement problems were essentially refugee situations. In 1996 and 1997, the focus was on repatriation, particularly of Rwandan refugees. Today, refugee situations persist -- the largest group being the 260,000 Burundi refugees in Tanzania, which continues to be a major asylum country. But there is a growing mixture of refugee flows and repatriation movements. Internal displacement on a large scale is a potential risk, particularly in the Democratic Republic of the Congo. Given the complex, inter-related nature of these problems, the search for solutions must have a strong regional foundation, with more decisive international support. I am also extremely concerned that if ethnic and nationality problems are not addressed -- worse, if ethnic tensions are allowed or even encouraged to simmer -- people may flee again in massive numbers.

I should also mention Angola, where the implementation of the Lusaka Peace Accords has suffered very serious setbacks, compelling my Office to suspend the repatriation of Angolan refugees from neighbouring countries *sine die*. This happened when almost half of the over 300,000 refugees had already returned, but the resumption of hostilities in the country caused the fresh outflow of 30,000 Angolans and the displacement of hundreds of thousands of people within the country. In a period of a few weeks, UNHCR had to switch from the implementation of repatriation, and of reintegration projects, to the deployment of emergency teams to address the new flows.

In the Horn of Africa, the successful repatriation of Ethiopian refugees from the Sudan, and of Somali refugees from Ethiopia indicate that some of the long standing problems of displacement are being resolved. It would therefore be an even greater setback if such progress were to be offset by a new conflict and fresh displacement. I call upon the concerned governments and the international community to do all that is in their power to maintain peace in this region.

In Southern Sudan, the on-going conflict continues to block solutions for refugees in Ethiopia and Uganda. And the repatriation of Sahrawi refugees depends on the successful conclusion of the peace process for Western Sahara.

Nowhere has the direct, brutal relationship between conflict and displacement has been more evident than in the province of Kosovo in the Federal Republic of Yugoslavia. I have just returned from a six-day tour of the region -- my second one this year -- which took me, besides Kosovo, to Belgrade, Montenegro and Albania, and during which I met with the main national and local political leaders. My priority was to personally assess the situation of the 45,000 displaced in Montenegro, of the 20,000 refugees in Albania, and in particular of the estimated 200,000 displaced people in Kosovo itself. While the pattern of displacement is not always clear, and changes by the day, its causes on the contrary are sadly obvious: while there are -- indeed -- reports of serious human rights violations by the Kosovo Liberation Army, the main cause for civilians to flee is the excessive use of force by governmental security units, which is designed to terrorize and subjugate them. I raised these points in my meeting with President Milosevic

of the Federal Republic of Yugoslavia, urging him to stop violence and destruction and stressing the importance of promoting confidence-building measures. On our side, we have substantially increased our operational capacity in order to effectively lead the humanitarian effort. However, Kosovo is a political problem, with devastating humanitarian consequences. While colleagues in the field carry out their life-saving efforts, we must insist that a just and lasting political solution be realized immediately, before it is too late.

European countries are rightly concerned by the possibility that the Kosovo crisis, if left unresolved, will continue to compel civilians to flee to neighbouring countries, and further on, to Western Europe. This is of course one more reason to intensify efforts to find a political solution to the conflict. So long as violence and oppression continue to prevail in Kosovo, however, I appeal to governments -- in the region and in the rest of Europe -- to maintain an open attitude towards asylum seekers from this area.

Not only is the increase in the number of conflicts causing more displacement, but it is also causing displacement to become more complex. Take Kosovo, for example. There, the categorization of those who flee their homes into refugees, internally displaced or other groups is not very significant, given that all those who flee try to reach the nearest secure area, irrespective of the status they will acquire in doing so. In this and other cases, we shall continue to pursue a comprehensive approach to the different categories of displaced people, closely linked to conflict resolution efforts. In this respect, I would like to join the Representative of the Secretary-General for Internally Displaced Persons, Mr Francis Deng, in calling for increased international attention and support for the internally displaced. On our side, we shall continue to intervene on their behalf when requested and authorised to do so, and particularly where their situation may cause refugee flows -- such as in Colombia, for example -- provided that the right of all people to seek asylum is respected, and provided also that through our work we can facilitate the search for solutions for all those forcibly displaced.

I have already said that physical and psychological violence against civilians is increasing in many places engulfed in conflict. Kosovo and Sierra Leone are two cases in point. I should add that -- sadly -- among those most affected are above all refugee and returnee women and children. UNHCR will continue to pay special attention to the needs of these groups, with a strong focus on their protection problems, and particularly in conflict and post conflict situations.

Ensuring protection and seeking solutions through global solidarity

The increase in the number of conflicts indicates that maintaining global peace is becoming more complicated. This has serious consequences on humanitarian work. How many times have we said and heard that humanitarian action cannot be a substitute for political solutions? Yet, in many situations, humanitarian workers are still alone on the ground. Political interest to resolve some crises seems to be receding. Is this the symptom of a decreasing sense of international commitment on the part of today's states and societies?

The Executive Committee has chosen to discuss how international cooperation allows the "burden" of displacement to be shared among states. The most significant aspect of burden sharing is undoubtedly the sharing of responsibilities towards uprooted people. The Preamble of the 1951 Convention says that "... a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot ... be achieved without international cooperation". Let me therefore propose that we explore together ways and means to address and resolve problems of forced displacement through closer international cooperation. The refugee problem is a global one, but what dimension will it have in a world in which "globalization" will soon give a very different meaning to those key features of traditional refugee movements, distances and borders? Should we not prepare ourselves, and counter inward-looking tendencies by developing a global solidarity agenda for the next millennium?

Most importantly, we must clearly reaffirm that international cooperation to resolve refugee problems must be solidly based on protection principles. We often hear that the refugee protection regime is obsolete. On the contrary, I think that it continues to prove its ability to ensure -- with some exceptions -- that refugees are granted asylum, and that acceptable solutions to their problems are identified.

Asylum remains the cornerstone of refugee protection. I am very worried that in industrialized societies -- but, increasingly, also in developing countries -- governments adopt more restrictive asylum policies, resorting to a narrower interpretation of refugee law. The focus of legislation dealing with asylum has shifted from protection to control. Indeed, people fleeing violence and persecution are frequently mixed with others seeking economic opportunities. Sometimes people flee for both reasons. States also tighten border controls in a more than legitimate effort to deal with terrorism and other threats to security. Traffickers in human beings do not discriminate between people with legitimate fear of persecution, people seeking jobs, and those with criminal intent. In some countries, the inability to separate refugees from others, not deserving of protection, has had the catastrophic consequences that we know. Mixed flows, however, do not justify the systematic, sometimes intentional confusion between refugees and others. Migrants seeking work should not present themselves as asylum seekers. Nor should those requesting asylum be presented to public opinion as merely seeking a work permit, or worse, escaping from prosecution rather than persecution. Asylum often is the only tool left to the international community to rescue a life in danger. Let us restore confidence in this essential protection instrument.

At the other end of the protection spectrum, refugee resettlement is a concrete reflection of international cooperation. This is why I am concerned by the indication given by some countries that an increase in the number of asylum seekers at their border may mean a decrease in resettlement quotas. On the other hand, I am grateful to those governments that continue to offer resettlement opportunities, among which I would like to single out the initiative of the United States -- still the largest resettlement country -- to increase quotas for African refugees. I am also glad to report that we can

now resettle refugees in countries from which refugees used to flee, such as South Africa, Chile and Argentina. This is an encouraging sign.

The difficult context in which we work means that we must be very active and creative in catalyzing international cooperation in order to achieve lasting and comprehensive solutions to refugee problems. As in previous years, we have of course continued to promote cooperation through regional processes such as the CIS Conference, the Asia-Pacific Consultations and the Central and South-West Asia and Middle East Consultations. In the last few months, however, we have taken several new initiatives, especially in three areas: protection, security and returnee reintegration.

First, on a broad range of protection issues, we have made efforts to reach out and promote a dialogue with the members of this Committee. This is an ongoing process, through which we are obtaining valuable, if varying opinions, from interested states. The "protection reach out project" offers us an opportunity to exchange our views with governments on protection principles, and provides us with inspiration on how to reinvigorate international protection and make it more effective in the current geopolitical context.

Second, following the dramatic experiences of the Great Lakes crisis, last year I told you that we would discuss with governments the best ways to uphold refugee protection in that region, taking into full consideration the security interests of states. Immediately after the Executive Committee meeting, we started a process of consultations with governments in Central Africa. In February I travelled to nine countries in the region for three weeks and met with their leaders. This process culminated, in May, in a meeting of eight governments hosted in Kampala by President Museveni of Uganda and convened by the Organisation of African Unity and UNHCR. The group strongly reaffirmed its support for refugee protection principles embodied in the OAU Convention, and requested the OAU and UNHCR to continue to work on three broad issues: insecurity in situations of displacement; the vital role of returnee reintegration as a contribution to post-conflict reconstruction; and the importance of assisting national communities hosting refugees. The work done before and during the Kampala meeting, and its important conclusions, did not remain isolated from other parallel, and broader efforts with respect to security issues. Following a recommendation of the United Nations Secretary-General's report on Africa, UNHCR is cooperating closely with the UN Department of Peacekeeping Operations on proposals to establish various stand-by international arrangements to address insecure refugee situations, not necessarily relying on traditional multinational peacekeeping forces.

Third, we have been actively promoting international cooperation for the reintegration of refugees following voluntary repatriation, especially in post-conflict situations. This was the main objective of the regional strategy for the sustainable return of those displaced by conflict in the former Yugoslavia, which we developed earlier this year. Although the focus of attention has recently been on Kosovo, we should not forget that 1.8 million people continue to be displaced in other parts of the former Yugoslavia. Both in Bosnia and Herzegovina and in Croatia, minority returns remain the central problem. In the former, they continue to be lower than

expected, even if we now estimate that approximately 20,000 minority returns have occurred since January. I wish to repeat here what I said in June to the Humanitarian Issues Working Group, which endorsed the strategy: the attitudes and the people responsible for displacement in this region still prevail, and prevent larger returns. We are nevertheless committed to work with all elected officials to realize the right to return. We also continue to co-operate closely with the Office of the High Representative and other agencies. In Croatia, on the other hand, following the approval by Parliament of the Programme on Return legislation in June, the number of Croatian Serbs' returns increased to 3,000 in two months, with 4,000 other people already approved for repatriation. For the first time since the end of hostilities, legislated minority returns are a reality, although most of them continue to be so-called "difficult" cases. These still require political action to resolve reconstruction needs and property restitution.

In spite of all the problems, in the former Yugoslavia a comprehensive peace agreement attempts to provide an all-encompassing reconstruction framework for international cooperation. The return and reintegration of refugees are indeed a fundamental aspect of the Dayton Peace Agreement. In other regions, repatriation cannot avail itself of such a framework. Yet, there have been positive developments. For example, 65,000 Chakma refugees returned voluntarily from India to Bangladesh under a bilateral arrangement between the two countries. The Guatemalan refugee situation is being solved through a combination of local integration in Mexico and successful repatriation. In Africa, the repatriation of refugees to Mali and Niger has been completed. Almost 200,000 Liberian refugees have already returned to their country since last December, either spontaneously or with UNHCR assistance. In Sierra Leone and Guinea Bissau, thanks especially to the leadership of ECOWAS, conflicts have been largely stopped. Should peace prevail in these two countries, the repatriation and reintegration of refugees and other uprooted people will be key elements of the peace building process in the entire region. We must seize the opportunity to provide them with the necessary support. We must start planning return and reintegration early, so that when peace becomes a reality, the return of the displaced does not increase its fragility, but is rather a consolidating factor.

Operating in immediate post-conflict situations, UNHCR has faced serious difficulties. Rwanda and Liberia provide examples of massive return movements to situations of fragile peace, which need to be consolidated through effective international cooperation. Yet, in both countries, insufficient support to returnee reintegration projects has compelled us to drastically reduce our programmes. I would like to recall here that activities in support of returnees, and of their reintegration, have been endorsed by this Executive Committee as an essential aspect of our responsibility for return -- an inherent part of UNHCR's mandate.

Moreover, in the cases I have mentioned, our withdrawal has not been matched by a parallel increase in development activities. Situations of fragile peace discourage the allocation of resources needed to support integration and reconciliation, widen the gap between humanitarian and development assistance and result in failure to create an environment favourable to the re-integration of returnees and to the peaceful coexistence of divided communities. We have been actively engaging governments, other

components of the United Nations -- especially UNDP -- and the World Bank in more concrete discussions on this important issue of division of work and resource mobilization, with a view to explore how to bridge existing gaps.

I cannot conclude these remarks about international cooperation and refugee protection without mentioning the importance of carrying out this work in partnership with others. In this regard, I would particularly like to share with you my strong appreciation for the work of the United Nations Coordinator for Humanitarian Affairs, Mr Sergio Vieira de Mello. His efforts have been instrumental in keeping humanitarian issues on the international political agenda. I cannot mention all the others, but I will refer at least to the operational agencies of the United Nations, and especially UNICEF and the World Food Programme, as well as the International Organization for Migration, and the International Committee of the Red Cross. We are stressing cooperation with regional organizations: besides those I have referred to, such as the Organization of African Unity, I would like to mention ECOWAS and SADC, and single out the European Union. Through the European Commission and its Humanitarian Office, it continues to be one of our strongest supporters. Let me also add that in a few days I will be travelling to Vienna to sign a Memorandum of Understanding with the Organization for Security and Cooperation in Europe.

Cooperation with non-governmental organizations, particularly in the field, remains one of the fundamental aspects of our work. They are our window and our link with civil society. In this respect, we are discussing a number of initiatives with NGOs of which we shall keep you informed -- including a relaunch of the ParInAc process and a programme to strengthen capacity building for national NGOs.

Resources and management

Mr Chairman, I would now like to share with you some thoughts about the resources needed to carry out this vast and complex programme of work. I am very grateful for the continued support provided by governments to my Office. The fact that contributions are almost entirely voluntary requires on our part considerable fund raising efforts. I believe this is useful, motivates us to constantly improve the quality of our work, and helps focus the world's attention on refugee problems. Because of their voluntary character, however, contributions may not always be made to the extent and at the time we would wish them to be. I understand governments' constraints, especially when -- in many countries -- budgets are reduced and public spending is curtailed. In this context, I also understand governments' requests for even better accountability.

This year, however, cases of decreased and delayed contributions have been more frequent than in the past. If the current shortfall of the General Programme will not be funded by the end of this year, we shall have to further reduce operational expenditures. Some Special Programmes also remain severely underfunded: among these, I would like to mention Afghanistan, Sierra Leone and Liberia. According to our projections, funds carried over into next year will be minimal. If our activities are to be carried out

without interruption during the first quarter of 1999, we need donor support now.

I would also like to draw your attention to two other essential aspects of funding. First, flexibility. I appreciate that governments have their priorities in the allocation of funds. Flexibility, however, is indispensable to our effectiveness. For example, the funding situation of the Great Lakes operations, including Rwanda, has recently improved, but tight earmarking of some of the contributions make their use limited only to certain activities, while others remain underfunded. I would like to request all donors to take this into consideration and to strike a balance between their need to earmark contributions, and their demand that we perform effectively. Second, predictability. This year, in some instances, funds were contributed -- but so late that meanwhile many activities had to be cut or suspended. Visiting our field programmes, you have a tangible feeling of despair resulting from such unpredictability. Many of my colleagues and our implementing partners do not know whether they will have resources to carry out their work -- literally -- in the next few days.

Reductions in our programmes have had a considerable impact on human resources management. A post-by-post review both at Headquarters and in the field was recently completed. By 1 January 1999 we shall attain the target of 4,436 posts, which represents a reduction of a thousand posts in less than two years. We have made all possible efforts to conduct this exercise in a transparent manner, and to take all available measures aimed at minimizing the negative consequences on staff. External recruitment continues to be frozen, which, by the way, meant that the challenge of achieving overall gender equity among our staff was made more difficult. This said, we have reached a level of 39% representation of women, and we are committed to making further progress, particularly in the higher grades, by ensuring maximum opportunity for the advancement of women.

I continue to be deeply worried by insecurity problems affecting the staff of my Office and of other humanitarian agencies in many places. The case of Vincent Cochetel, head of the UNHCR office in Vladikavkaz, in the Russian Federation, is an extremely preoccupying case in point. He was abducted by criminals on 29 January and has now spent eight months in captivity -- eight months during which his courageous wife and two young daughters, as well as his colleagues and friends, have been waiting in vain for his return. We have been working ceaselessly to try to secure his release. We continue needing the assistance of the authorities in the Russian Federation -- local, regional and national -- to bring a swift and positive end to Vincent's ordeal.

Of all UNHCR current employees, 21% are working in what the United Nations consider high-risk duty stations. In close consultation with the United Nations Security Coordinator and the UN operational agencies, I have requested and obtained that staff security be given more attention in inter-agency discussions. We have made some concrete proposals -- for example on measures to protect national staff -- and I will insist that they are implemented as soon as possible. Problems of security, however, cannot be addressed only through administrative measures. They are the consequence of the isolation in which humanitarian agencies often find themselves in

insecure situations. If we continue to be present and active in conflict areas or in other dangerous places -- and we certainly will -- this problem must be dealt with in the broader context of political support to humanitarian action. For this reason, we have made a substantial contribution to the Secretary-General's report to the Security Council on protection for humanitarian assistance; and we have been foremost among those requesting that crimes committed against humanitarian staff be covered by the newly established International Criminal Court.

Concerning the status of the change management process, UNHCR presented the Standing Committee in February with a report on the implementation of Project Delphi, showing that more than half of the activities had already been implemented and that many others had achieved substantial progress. Of the priority projects consolidating the remaining major actions, I would like to single out the further development of the Operations Management System. This is a tool which will soon enable us to plan, budget, implement, monitor and evaluate all projects more comprehensively and rationally than ever before; and which will also help us improve the monitoring of projects implemented by partner organizations. To support this, we are embarking upon a complex and far-reaching project to replace our current information technology systems. In the context of change, the implementation of the Career Management System should also be mentioned. Its first cycle has been completed and we now plan to make it simpler and more flexible.
All these change efforts require a sustained commitment -- including financial support -- over the next three to four years.

Mr Chairman, I wish to assure the Executive Committee that I attach the greatest importance -- and I wish to repeat this: the greatest importance -- to attaining the good management standards which this Committee has repeatedly recognized as one of UNHCR's constant features. As early as in 1992, I committed myself to strengthening the management capacity of the Office and proposed measures to achieve this objective. One of them was the appointment of an Inspector. The Service which he supervises has been extremely active. Since 1995 inspections have been carried out in 68 countries, that is 60% of UNHCR's programmes. Another, related activity which now needs attention is that of evaluations: in the next few months we plan to review our capacity and methods in this important area. And finally, I have paid particular attention to the management responsibility of UNHCR representatives in the field, who have a key role to play in ensuring the proper and prudent use of resources. Activities to enhance their capabilities have included training on human resources and financial management.

Conclusion

Mr Chairman, the next two years will be marked by important occasions. 1999 will be the 30th anniversary of the refugee Convention of the Organization of African Unity. In December 2000 UNHCR will celebrate the 50th anniversary of the General Assembly resolution instituting the Office. And I will have the privilege of leading the Office towards the new century. These dates are symbolic, but I wish them to add significance and motivation to our work. They also clearly indicate how much refugees have been part of our century's history. So have been -- I hope -- our efforts to address their problems.

Reaching out to governments and to the civil society to make global solidarity a concrete reality is the first priority of my next mandate. To achieve this, my second priority is to ensure sustainable effectiveness in policy and management. Given the difficult context in which we work, I believe that there are some areas requiring particular attention: first, to maintain the rapid and effective emergency preparedness and response capacity which we have built over the last six years; second, to establish a more fair, fast and flexible human resources management system; and third, as I already said, to ensure a predictable and flexible funding base.

The fourth area to which I will devote particular attention will be to maintain and promote a human approach in our work. Mr Chairman, it is both the biggest challenge and the greatest privilege of working with UNHCR that we deal not only with issues, concepts, policies and figures, but also and much more importantly with people. This -- I believe -- helps us keep in touch with reality, and at the same time stay alert for new ideas. This is why I attach great importance to my own field trips, on which I have spent this year about half of my time, and which allow me to be in contact with refugees and with my colleagues working directly with them. I spoke briefly about our efforts to improve good management. I would like to emphasize that we know that it is on the quality of our work, at all levels, that depend not only the most effective use of resources, but also and especially the lives and welfare of thousands of men and women. I can assure you that my colleagues and myself are well aware, constantly, of this responsibility. I can also assure you that there is no better guarantee of good management than this awareness.

Times are difficult, as I said. They are especially difficult for those who -- even as we speak -- are forced to leave their homes, their land and often their family. We have limited means to help them, but we shall use them in full, working in the manner for which UNHCR has become known: forward-looking, committed and effective. We shall spare no effort to be worthy of your confidence. I hope that my own contribution will be to provide refugees worldwide, and my colleagues who work with them, with a sense of direction. I do not want to leave behind a legacy, but a future.

Thank you, Mr Chairman.

Chairman's Summing up of Agenda Item 4: Annual Theme (International Solidarity and Burden-Sharing in all its Aspects: National, Regional and International Responsibilities for Refugees

(Thursday, 8 October 1998)

Introduction

In presenting this summing-up, I shall attempt to highlight a number of common and overriding considerations which have emerged from our rich and wide-ranging debate on the annual theme and which point the way to yet more focused dialogue and, in certain areas, to concrete follow-up action. The debate demonstrated yet again our collective responsibility for refugees, displaced persons and others in need of international protection.

At the outset, you paid warm and unanimous tribute to the High Commissioner on her re-election to a new two-year term, citing her wise leadership and tireless efforts on behalf of refugees. The new Bureau of the Executive Committee joins the membership in expressing its gratitude at the opportunity to work closely with her in the coming year.

Many of you expressed concern for the security of humanitarian staff in general and at the protracted abduction of Mr. Vincent Cochetel. Condolences were conveyed to the families, friends and colleagues of humanitarian staff who have lost their lives in the service of refugees.

Regarding the Annual Theme: *International Solidarity and Burden-Sharing in all its Aspects: National, Regional and International Responsibilities for Refugees*

The debate took place in a positive and supportive atmosphere -- I would even say in an atmosphere of "bridge-building." It was generally agreed that the theme is a challenging one, even though international solidarity and burden-sharing are not new concepts. Indeed, we have been addressing them and seeking to practice them at various levels for years. Instruments of a universal or regional nature, which define and sustain the principle of international solidarity and burden-sharing, are already at our disposal to legitimize and guide our efforts. Some delegations, however, felt that -- due to the connotations that the phrase "burden-sharing" carries -- we should develop a more positive terminology. Accordingly, many referred to "responsibility-sharing," "cooperation," "collaboration" and "partnerships."

Numerous delegations spoke specifically of the need to affirm our commitment to and respect for the principles outlined in the United Nations Charter, the Universal Declaration of Human Rights, the 1951 Convention, the 1967 Protocol, various Regional Conventions and in international humanitarian law. A general appeal was reiterated for all Member States of the United Nations to accede to the Convention and the Protocol.

Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross, eloquently stated in his address that the world situation in which solidarity and burden-sharing are to be implemented has fundamentally changed. With the emergence of supranational, regional and local mechanisms as well as the rapid expansion of transnational communications and networks of influence, global responsibility for humanitarian problems has never been such a pressing issue nor such an achievable goal.

The background paper No. A/AC.96/904 was provided to EXCOM as a basis for debate. Your interventions clearly addressed the major questions raised in that document:

- Why is burden-sharing necessary?
- What needs and responsibilities would it meet?
- Who should participate?
- To what extent should it be systematized?

Regarding the "WHY?"

There was consensus that the complexity and magnitude of current refugee situations are beyond the resources and response capacity of any single nation or organization. It was noted that preventive strategies are needed to reduce outflows and their manifold effects. However, where conflict has already erupted, many delegations saw early and effective peace-keeping activities as elements of and contributions to the application of the principle of international solidarity and burden-sharing.

It was repeatedly stated that although international solidarity and burden-sharing are moral responsibilities, they cannot be a prerequisite to adherence to international humanitarian principles.

Regarding "WHAT needs and responsibilities international solidarity and burden-sharing meet?"

Strong support was expressed for the humanitarian principles of asylum, *non-refoulement*, family unity, the right to return and durable solutions -- local integration, resettlement and, preferably, voluntary repatriation in conditions of safety and dignity -- but it was recognized that promotion and implementation of these principles require commitment on the part of the entire international community. However, several speakers stated with concern that support for humanitarian principles and values was eroding.

Many delegations noted that developing countries bear a disproportionate share of the burden of hosting refugees or reintegrating returnees and can only provide these services through support engendered in a spirit of international solidarity. Other speakers noted that support could take various forms, including financial, material, poltical and moral assistance. Indeed, every phase of the refugee to returnee experience, from emergency response, to care and maintenance to durable solutions, depends on multi-faceted actions encompassing environmental, social, economic and political factors, therefore, involving the full ranges of international, regional and local actors.

The process of local integration, where voluntary repatriation is not possible, is also largely assumed by developing host countries. When carried out with multi-faceted support from the international community, it can actually have a positive impact on host communities.

Many speakers stated that resettlement was a durable solution in which developed nations can actively participate in a spirit of international solidarity and burden-sharing.

There was vitually unanimous agreement that humanitarian assistance cannot be a substitute for political solutions. Far too often, humanitarian activities take place under conditions of extreme isolation, insecurity or conflict, requiring cooperation among humanitarian, human rights, peace-keeping and developmental bodies. It was reiterated that UNHCR should play a central role in this process. International solidarity among these very bodies, supported by member States, could play a preventive role by contributing to peace, security and human development, thereby reducing the likelihood of forced displacement.

Regarding "WHO should participate?"

While individual refugees bear the personal burden, there was clear consensus that, even if host countries have a primary responsibility, all elements of the international system must be involved in promoting international solidarity and burden-sharing: namely Member States, whether they be host countries, donors or countries of origin; UN agencies; other inter-governmental organizations, including financial institutions; regional bodies; NGOs and civil society. Some delegations observed that the principle of international solidarity and burden-sharing provides an opportunity to recognize and appreciate the various roles, needs and capacities of all such parties. It was further noted that, irrespective of any evident differences in such roles, this principle encompasses the need to work in partnership. As to the role of UNHCR, a number of delegations argued for flexibility in their support to UNHCR to fulfill its mandate.

It was specifically noted that enhanced inter-organization cooperation is an element of international solidarity and burden-sharing and is consistent with the collaborative reform mechanisms introduced by the Secretary General, Mr. Kofi Annan, in the past eighteen months.

And finally, regarding the "EXTENT to which burden-sharing should be SYSTEMATIZED."

Numerous delegates spoke positively about regional initiatives such as the Asia-Pacific Consultations; the Central Asia, South West Asia and Middle East Consultations; CIREFCA; CIS; CPA; ICARA I and II; the Regional Strategy for Former Yugoslavia; and the recent Regional Ministerial Meeting on Refugee issues in the Great Lakes in Kampala.

They also acknowledged the role of regional bodies such as ECHO, ECOWAS, the European Union, the OAS, the OAU, the Organization for Security and Cooperation in Europe, and the Southern African Development Community in promoting regional or sub-regional mechanisms for coordinated burden-sharing.

Institutional collaboration at the operational, advocacy and fund raising levels also occurs through inter-agency memoranda of understanding. Some delegations specifically requested that UNHCR enhance its coordinating role with NGOs and other operational partners.

There was less support for global mechanisms. Some delegations regarded them as difficult to create whereas others believed they would have to remain flexible to respond to ad hoc situations.

Systematic burden-sharing would also depend on adequate funding of UNHCR's humanitarian activities. It was repeatedly stressed that donor countries should provide the Office increased financial support, in a more predictable and flexible manner. The announcement by several delegations of additional funding for 1998 was particularly well received.

As many of you have noted, the implementation of the principle of international solidarity and burden-sharing in all its aspects is a complex process. In responding to the questions posed in the background paper, you also called attention to a number of other concerns and challenges.

- How to ensure the security of humanitarian personnel and of civilian populations, particularly women, children, the elderly and other vulnerable groups?
- How to ensure respect for basic humanitarian principles and maintain the integrity of the asylum system in view of currently emerging restrictionist policies?
- How to avoid asylum abuse by irregular migrants while maintaining the fairness and efficiency of the asylum process?
- How to separate refugees from combatants in mixed flows and ensure security within refugee situations?
- How to alleviate compassion fatigue, donor fatigue and loss of interest for funding programmes which are no longer in the public eye?
- How to deal with the continuing problems of landmines, small arms proliferation and human trafficking?
- How to promote more effective coordination within the humanitarian system and among humanitarian, human rights, political, security and developmental actors?

Distinguished Delegates,

As we have seen, the international community has the principles and legal instruments to deal with these critical issues. We also have much of the operational capacity to do so. What we need is adequate support and political will. I believe these discussions have taken us a major step in that direction.

I look forward to exploring further with you in the Standing Committee process the follow-up to the annual theme on which we have focused over the past days.